IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO.723 OF 2007
IN WRIT PETITION NO.1216 OF 2003
(Gair Adiwasi Hawaldi Shetkari Sanghtan vs. State and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : D.D.SINHA AND
B.P. DHARMADHIKARI, JJ.

DATED : OCTOBER 19, 2007

Heard Shri Meshram, learned Counsel for the applicant, and Shri Patel, learned Assistant Government Pleader for the respondents.

We have considered the contentions of the learned Counsel for the parties and perused the impugned order. In last para of the impugned order, the Division Bench of this Court has observed thus :

> "It is further to be noticed that if the land is to be restored back to the tribal under the provisions of any of the above mentioned enactments, individual notice is required to be given to the

purchaser and thereafter, Tahsildar has to pass appropriate orders separately in each case. Whether any such orders are passed in the cases of 129 persons shown as members by the petition-Union is not disclosed anywhere in the writ petition. If the orders were passed whether those orders were challenged before appropriate Forum and after decision by the appropriate Forum, whether those orders were challenged before this Court is not disclosed. After passing of such orders and when the orders have attained finality, how those orders can be re-opened is a question, which the learned A.G.P. has raised in the matter.

It is apparent that all the sale deeds are between the period for which the above enactments apply. In normal course after issuing individual notices, individual orders ought to have been passed against these 129 persons by the Tahsildar or by other competent authority. If such individual orders are not passed, there is no question of these 129 persons restoring lands back to tribals and further there is no question of any prejudice being caused to them on account of these enactments. In the circumstances, we find the necessary particulars are lacking in the present petition and also no case is being made out for exercise of writ jurisdiction. The writ petition is, therefore, dismissed."

In view of above referred observations, no case is made out for showing indulgence. Hence, the

miscellaneous civil application is dismissed.

JUDGE JUDGE

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